

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on April 11, 2011. By way of the present response applicants have: 1) amended claim 1; 2) added no claims; and 3) canceled no claims. No new matter has been added. Reconsideration of this application as amended is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 76, 78, and 80-81 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,672,356 by Jenkins et al. ("Jenkins") in view of U.S. Patent No. 6,036,812 by Williams et al. ("Williams") and U.S. Patent No. 5,209,808 by Booth ("Booth"). Applicants do not admit that Jenkins is prior art and reserve the right to swear behind Jenkins at a later date.

Applicants respectfully submit that Jenkins, Williams, and Booth fail to disclose

a computer to enter an order for a pack and to pass information to the labelling station, wherein said labelling station comprises a controller arranged to receive information from the computer and to control the label applicator, based on the information received from the computer, to apply the label in a position, orientation, and number of planes, dependent upon the dimensions of the pack to be labelled.

(Amended claim 1).

Jenkins describes a pallet labeler system that is capable of applying a printed label to a pallet at a predetermined position based upon instruction from an upstream data source. While Jenkins describes applying a label to a pallet at a predetermined position defined by label position data, it does so ***independently of***

the pallet size. (Jenkins, claims 1 and 11). In other words, Jenkins fails to teach or suggest a controller arranged to receive information from the computer and to control the label applicator, **based on the information received from the computer**, to apply the label in **a position, orientation, and number of planes, dependent upon the dimensions of the pack to be labelled**, as set forth in amended claim 1. For example, Jenkins does not describe a computer which sends information to a controller to apply the label in a position, orientation, and number of planes, dependent upon the dimensions of the pallet.

Williams describes a system to dispense pills into bottles using a robot arm. The robot arm retrieves the bottle to be filled, places the bottle on a labeller to be labelled, and then places the bottle on a dispenser to be filled with the selected pills. Williams recognizes that different size bottles will need to be handled differently, but only in respect to the robot arm. (Williams, column 3, lines 49-50). There is no recognition that different bottles are labelled differently or applying a label to two discrete planes of a bottle. For example, labels for bottles are typically only applied to a single plane in the same orientation as shown in Figures 9 and 11 of Williams. Therefore, Williams also fails to teach or suggest a controller arranged to receive information from the computer and to control the label applicator, based on the information received from the computer, to apply the label in a position, orientation, and number of planes, dependent upon the dimensions of the pack to be labelled.

Booth describes a system for applying labels around the corner of a pack (e.g., Booth, Figs. 2A-2F), enabling the label to be applied on more than one face of the pack. Booth describes labeling a pack in such a manner to enable the label to be read during handling and after storing on a shelf. Booth does not, however, does

not describe that the label is applied to two planes depending upon the dimensions of the pack to be labelled. Therefore, Booth also fails to teach or suggest a controller arranged to receive information from the computer and to control the label applicator, based on the information received from the computer, to apply the label in a position, orientation, and number of planes, dependent upon the dimensions of the pack to be labelled.

Additionally, the Examiner alleged that the pharmaceutical packs and labels are not structurally limiting and that intended use/operation is of no patentable significance. Applicants have amended claim 1 to clarify that the claims include a computer, wherein the labelling station comprises a controller arranged to receive information from the computer and to control the label applicator, based on the information received from the computer to apply the label in a position, orientation, and number of planes, dependent upon the dimensions of the pack to be labelled. Applicants respectfully submit that claim 1 positively recites these structural features and is not simply claiming the pharmaceutical packs and labels or an intended use. For example, the claimed computer, controller, and labeling station are not merely usable with packs of varying sizes, but rather a system that is physically able to adapt how it applies a label (position, orientation, and number of planes) based upon the dimensions of the pack. As argued above, none of Jenkins, Williams, and Booth teaches or suggests a controller arranged to receive information from the computer and to control the label applicator, based on the information received from the computer, to apply the label in a position, orientation, and number of planes, dependent upon the dimensions of the pack to be labelled.

Accordingly, applicants respectfully submit the rejection of claim 1 has been overcome.

Given that claims 76, 78, and 80-81 are dependent upon claim 1, and include additional features, applicants respectfully submit that the rejection of claims 76, 78, and 80-81 has been overcome for at least the reasons set forth above.

Claims 129-131 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jenkins, Williams, Booth, and U.S Patent No. 5,798,020 by Coughlin et al. ("Coughlin").

Coughlin describes a medicine vial labeler. Coughlin, however, fails to remedy the shortcomings of Jenkins, Williams, and Booth set forth above. Given that claims 129-131 are dependent upon claim 1, and include additional features, applicants submit that the rejection of claims 129-131 has been overcome for at least the reasons set forth above

CONCLUSION

Applicants respectfully submit that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome.

Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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Date: July 11, 2011

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